

WEBER GALLAGHER
SIMPSON STAPLETON
FIRES & NEWBY LLP

October 26, 2005

Hamot Medical Center
Attn: Medical Records
201 State St.
Erie, PA 16550

Direct Dial: (412) 281-5813
Email: sforeman@wglaw.com

RE: Samuel Mendez v. Mark Baker, D.O., et al
No.: 1:05-cv-00035
Our File Number: 0030210

Dear Sir or Madam:

By letter of October 10, 2005, we served you with a federal subpoena for the records of Samuel Mendez, a prisoner in the Pennsylvania Department of Corrections who has sued our client. You responded that we must provide you with a signed authorization. (Your correspondence is enclosed along with our original subpoena).

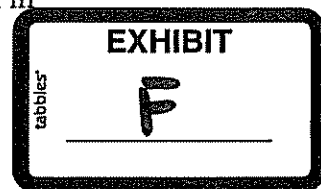
By letter of October 21, 2005, you responded that we must serve you with a subpoena signed by a court official or containing a court seal, and containing written notice that it was sent to the patient. (This, too, is enclosed for your convenience).

First, the subpoena we sent contains a Certificate of Service, signed by counsel, stating (attesting) that it was served on Mr. Mendez. This attestation has already been provided.

Second, we are not required to send you a subpoena issued by the Court or containing its seal. This is not a state court case where the Prothonotary issues subpoenas. Under the Federal Rules of Civil Procedure, an attorney, as officer of the court, is empowered to issue subpoenas as an officer of the Court.

Please comply with our request for records within the next 14 days. I suggest you take this up with the hospital's general counsel if you have any additional questions regarding the validity of this subpoena.

If we do not receive the documents sought within 21 days, we will file a Motion in federal court seeking to hold Hamot Medical Center in contempt and imposing costs.



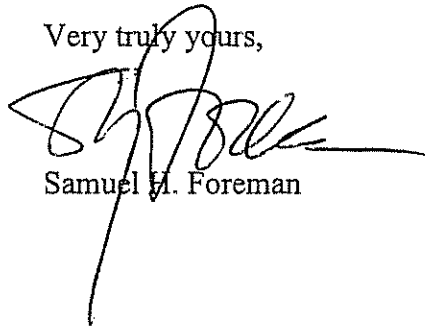
PHILADELPHIA NEW YORK PITTSBURGH NEWARK HARRISBURG SCRANTON CHERRY HILL LONDON

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Thank you for your anticipated cooperation.

Very truly yours,

A handwritten signature in black ink, appearing to read 'SHF', with a long horizontal line extending to the right.

Samuel H. Foreman

SHF/shf
Enclosures